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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Initial reports of States parties due in 1992

GUINEA-BISSAU

[6 September 2000]

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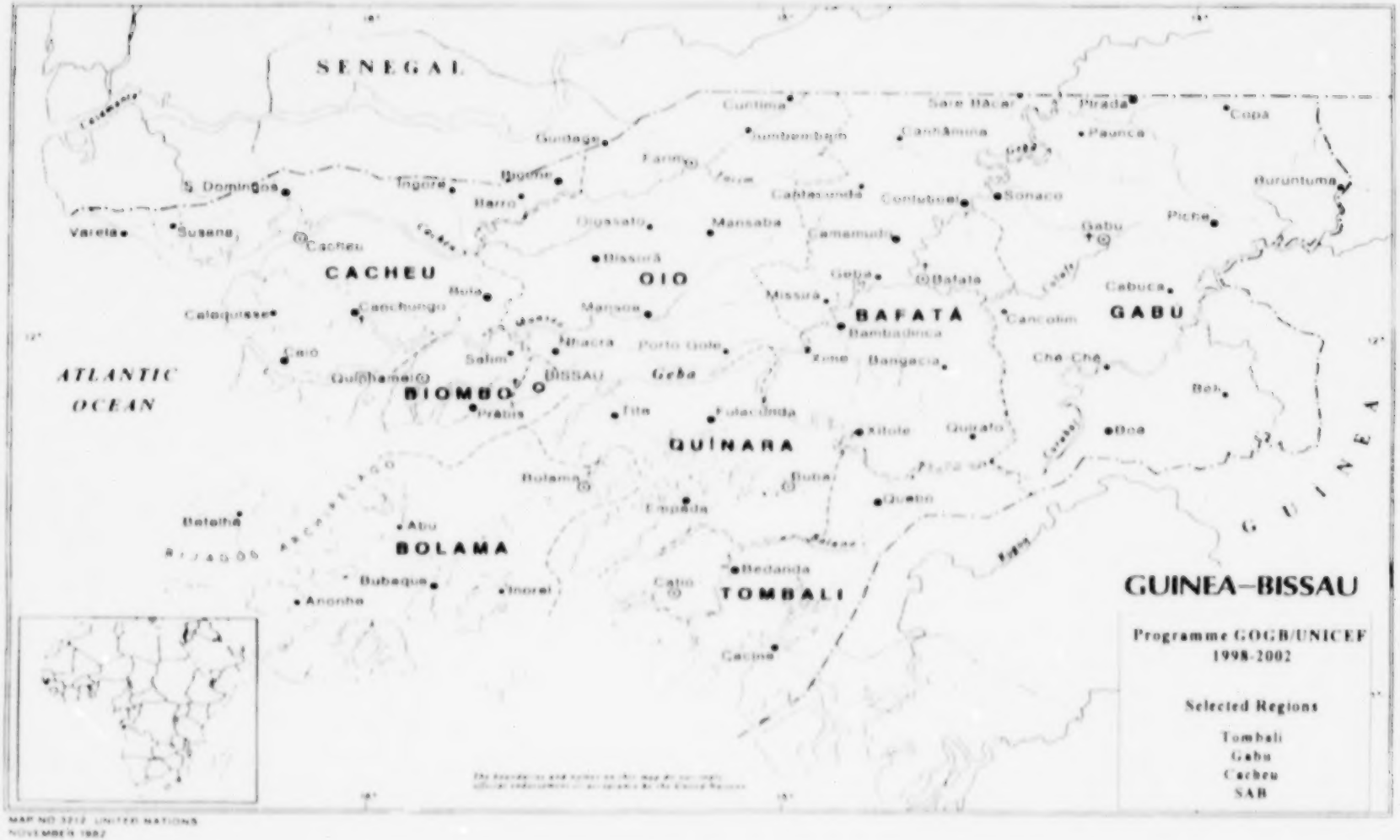

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Note of gratitude

Our special thanks to all those people who have directly or indirectly contributed and followed the preparation of this report, especially UNICEF, through its representative, who spared no effort to provide all means necessary for its execution, so that Guinea-Bissau can now, for the first time, submit a report on this matter.

We are most grateful to Ms. Nharabate Nancaia Intchasso who encouraged its execution, through the former Ministry of Women's Promotion and Social Affairs.

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Our thanks to the Child-Friendly Association (AMIC) and other NGOs which also provided necessary documents and had long conversations with us for the better understanding of this matter.

Introduction

1. The territory of Guinea-Bissau was for nearly five centuries considered as a Portuguese colony.

2. The colonial administration and the juridical system in force at that time were based on the principle that native populations in the colonies are savage people and therefore considered as inferior people, and for that very reason shall be administered exclusively and directly by the metropolis. With the creation of the Indigenous Statute (clause 56), a native, to be considered a citizen, should meet two main requirements:

- Be aged more than 18 years, and

- Speak correctly the Portuguese language.

3. A strict interpretation of the spirit of the Indigenous Statute leads us to assert that it was the most violent discrimination from the juridical and social point of view, not only regarding disparities between the juridical situation of both peoples, but also in respect to the internal juridical situation of the people of Guinea-Bissau itself.

4. As the territory was exclusively administrated by non-native institutions, 99.7 per cent of the population were considered indigenous and therefore did not participate, according to the law, in the functioning of those institutions. Therefore, it is obvious that children aged 0 - 18 years were not, in any case, considered as citizens and were also discriminated against.

5. It is important to point out that the constitutional, political, juridical and administrative situations were subject to new reforms since 1961, as a result of the adoption by the fifteenth session of the United Nations General Assembly, of resolution 1514 (XV) and 1524 (XV) on Decolonization.

6. These reforms of the colonial legislation proclaimed in 1961 led to the creation, among others, of the following legislation: Decree No. 43 897, which allows juridical private relations in the colonies to be governed by practices and customs and Decree No. 43 893, which abolishes the Indigenous Statute.

7. With the beginning of the Army War and later on in the Liberated Area the Guinean people lived a new reality, where their human rights and basic liberties were recognized, notwithstanding all difficulties caused by the war. Children, as Cabral said, were the flowers of our fight and the main reason of our combat.

8. During the war, children lived in kindergartens in Conakry and later on in pilot and boarding schools, according to their age, initially located in Conakry and afterwards in different liberated areas. During this period, children from these areas knew what a child's rights were and enjoyed all necessary conditions for their sound physical and psychical development.

9. Guinea-Bissau signed the Convention on 26 January 1990 and ratified it on 20 August 1990,[1] thereby committing itself, according to article 44 of the Convention, to submit to the Committee on the Rights of the Child, through the Secretary-General of the United Nations, reports on measures and progress made in the application of the Convention. During the two years following the date that the Convention became effective (19 September 1990) Guinea-Bissau should have submitted initial reports and subsequent reports every five years. However, Guinea-Bissau has not yet submitted the initial report until now. This delay was due to the lack of financial and material means, competent human resources, the creation of incentives for the existing human resources and a greater sensitization of the State and/or government institutions.

10. This initial report proves the Government and Guinea-Bissau's determination to honour their commitments, notwithstanding the delay in its preparation.

A. Progress made after signature of the Convention

11. Guinea-Bissau, after its signature and ratification of the Convention has made meaningful progress on this matter. This is due not only to its adherence to the Convention but also to the dynamism generated in the country later on and as the result of the economic and social crisis which ravaged the country.

12. Many summits, debates, conferences, meetings, participation in international conferences, seminars, exchanges of experiences, etc. and other activities were held with the objective of disseminating and sensitizing government institutions and the civil society round about the Convention.

13. The holding of the National Summit for Children in September 1990 was the first step towards this objective. The theme of this Summit was "Children, their development and rights". After the Summit, many regional and provincial summits were held to discuss the following themes: "Health and Environment"; "Maternal and Infant Health and Nutrition"; "Education and Training for the Child's Development". These summits culminated in the Declaration of Bissau, which induced the Government to adopt the principles of the Convention on the Rights of the Child.

14. In order to realize this Convention in legal terms, a National Commission was created on 27 March 1991 by decision of the Head of State for the implementation of the World Declaration on the Survival, Protection and Development of Children and its Plan of Action. Later on, a National Commission for Childhood (CNI) was created in July 1992 to implement the decisions issuing from the World Summit and to submit a plan of action. During the same year, with the technical support of UNICEF, a plan of action was prepared by the Inter-ministerial Commission for Childhood Protection (CIPI), a technical department of CNI. The Plan of Action was submitted to the International Conference for Assistance to African Children, held in Dakar from 25 to 27 November 1992.

15. The Ministry for Women's Promotion was represented at the Conference of Ministers from French-speaking countries responsible for matters related to children, held in France in July 1992. The objective of this Conference was to study the possibilities for introducing a component of technical assistance to children in cooperation programmes.

16. The mass media were and remain one of the means of dissemination used to sensitize the Government, families and the civil society in general. The results of this activity were positive and the impact can be measured at the level of families, civil society and Government. This mechanism, associated with well-oriented programmes, involved the civil society in the denunciation and condemnation of innumerable acts and or harmful situations which occurred in the past and still prevail in the country. These situations had been ignored until now and require from the Government adequate measures and mechanisms to eliminate and restrain their proliferation.

17. The Government, concerned about this situation, created the Child's Fortnight, to be conducted annually, to develop the necessary mechanisms to find out children's opinions. The objective of this event is to study and discuss, together with children, all the problems related to their life and to appraise progress made in the application of the Convention. Furthermore, a parliament for children, which is to be held every two years, was also created to discuss and submit to the Government a list of constraints to their social life.

18. The result of the first steps taken to sensitize the Government was the creation of a legal mechanism to facilitate the application of the Convention in Guinea-Bissau.

19. Some NGOs joined the national structure created to support the process. The Child Friendly Association (AMIC), the Guinean League of Human Rights (LGDH), the Guinean Association for Studies and Alternatives (ALTERNAG), the Information and Juridical Orientation Centre (CIOJ), the Simin Mira Nasseque, the National Association for Sanitary Development (ANDES), TINIGUENA, Action for Development (AD), Plan Guinea, Enda-Bissau/GUITEC, the Children's Labour Project (PCT), UNICEF and Radda Barnen joined the Ministry of Social Affairs and Women's Promotion (MASPF), through the Direction of Social Affairs, the Ministry of Health, the Ministry of Natural Resources and Industry, the National Council for Childhood (CNI) and the Committee for Fight against Harmful Practices (CLCPN). In this context, activities and pilot projects were carried out with children through a process of training and the results were very encouraging, notwithstanding their poor dissemination.

20. The following paragraphs describe progress made by area of activity.

Laws and regulations

21. From the point of view of the legislation, there are in Guinea-Bissau favourable conditions for the application of the Convention. Meaningful progress in the development of the child can be brought about if the laws, regulations and rules for the functioning of some institutions created since independence were duly applied and if those institutions were provided with the necessary human and material means to be effective.

22. From the date of Guinea-Bissau's adherence to the Convention, no progress was made in its application until 1997, when the People's National Assembly approved the Bill on Child and Women's Protection. This legislation was prepared by an ad hoc commission consisting of deputies from different political associations, in conjunction with a consultative commission, which comprised different ministries. The revision of the Penal Code, the rights of the family, the labour legislation and the statute of jurisdictional assistance to minors is still in process. These instruments will certainly give support to the application of the Convention.

Health

23. Notwithstanding some constraints, meaningful progress was made at the level of maternal and infant health, especially regarding the protection of under-five children and pregnant women, through immunization campaigns against major diseases which affect them. The national immunization coverage against major diseases was estimated at 37 per cent in 1986 and 60 per cent in 1993; the BCG coverage increased from 90 per cent to 100 per cent, the DPT3 from 50 to 66 per cent, the measles vaccination from 44 per cent to 60 per cent and the TT2 from 29 to 33 per cent.[2]

24. Meaningful progress was also made at the level of the essential drugs programme, due to the regular supply of drugs to hospitals and the normal functioning of the central drug depot.

25. Some progress was also made at the level of information, such as the publication of the bulletin of the expanded programme of immunization, epidemiological monitoring, printing of posters illustrating themes related to immunization, production and dissemination of radio programmes, as well as a more frequent issue of the community's newspaper.

26. Furthermore, the intensification of the policy to sensitize the population to participate in costs for hospitals and drugs, through community-based contributions, was well received. The result is that 10 per cent of costs for essential drugs and 1 per cent of the total financing of the sector are covered by the population.

27. Another advance in this area is the expansion of the Bamako Initiative, which has been in its experimental phase in the region of Gabu since 1989 and the results seem to be very encouraging.

28. The sanitary management sector still faces great needs, notwithstanding some progress identified in recent years. Studies conducted on this sector show 40 per cent progress, with slight variations from region to region.

Education

29. Little meaningful progress can be reported in this sector due to lack of information. In recent years, this sector has relied on many projects both at the level of the Ministry of Education and of NGOs. At the level of the Ministry, there is the Project "FIRKIDJA", which gives support to basic education, and the results are very positive. This project was created as an answer to the urgent needs for training human resources for the development of the country

through a gradual resolution of problems, especially related to the access to basic education, and to ensure a minimum level of achievement for the few who are able to reach this level. This fact inhibits the functioning of the educational system to such an extent that school becomes impracticable.

30. The project will give support to the Government in the implementation of a strategy, including the following actions:

- improvement of education so that basic schools can offer four grades of primary school, and even six whenever possible;
- school stationery and teaching guides for students, as well as continuous training of educators;
- improvement in the management of human resources within the Ministry;
- strengthening of institutional capacity in the matter of planning, management and appraisal; and
- creating a solid basis for the development of future projects and better definition of educational and training policy for the country.

31. This project has the following components and activities:

(a) Access to school and gradual expansion of educational infrastructures:

(i) Educational planning and management system;

(ii) Policy for encouraging girls' schooling;

(b) Quality of basic education:

(i) Teaching and learning materials;

(ii) Pilot experiences in education (NGO);

(c) Strengthening of educational management.

32. The objective of this project is to alleviate poverty and contribute to better economic and social conditions in the future. The target groups are the population in urban and rural areas aged 7-12 ;years, especially girls.

33. Furthermore, the project Yemberem (kindergartens) and the project Pirilampo, to be implemented by AMIC in Canchungo, are in process. According to 1991 data the illiteracy rate is about 70 per cent and more than 80 per cent for women.[3] The enrolment rate in primary school is about 40 per cent and decreasing.[4] The secondary-level enrolment is about 4.2 per cent of the age group, and 3 per cent are girls. Only 2 per cent of children attending secondary school

are able to complete this level.[5] Girls, according to the practices and customs of each ethnic group, are compelled to marry while still adolescents, 13-14 years old and of school age, and even before the age allowed by law to work.[6]

34. The schooling rate for children aged 7-12 years maintains the level of 40 per cent (51 per cent for boys and 28 per cent for girls), being higher in the regions of Biombo (62 per cent) and Cacheu (54 per cent) and lower in the regions of Bafata (30 per cent) and Gabu (23 per cent), with tendencies to decrease. The schooling rate from grade 4 remains low, about 12.1 per cent, and enrolment rate decreases as the grade increases.[7]

35. Only 6.2 per cent of the total number of students are attending secondary school.

Water and sanitation

36. At the level of water and sanitation, the indicators show meaningful progress. According to the 1991 data, only 20 per cent of the population living in Bissau and 18 per cent in regional towns had access to piped water. In the same year, the proportion of rural population with access to water was estimated at 42 per cent. The level of sanitation in regional towns is about 30 per cent and 18 per cent at the rural and semi-urban level. According to estimates, three-quarters of transmitted diseases and more than half of deaths are due to the scarcity of water resources.

37. The lack of water in schools, where children spend many hours during the day, is another matter of concern. Many schools in the country, mainly those located in towns do not have piped water for the needs of thousands of children, who used to go from door to door asking for water or are compelled to use unsafe water for their needs.

38. In 1992, only 68 (10 per cent) of the total number of 639 schools in the country had public taps, 41 (6.4 per cent) had sanitary means of excreta disposal and only 35 (5.4 per cent) had pit latrines.

B. Constraints

39. The constraints identified in the implementation of the Convention were related to the implementation of economic measures imposed by the structural adjustment policy. At the level of the institutions, they are mainly related to the mobilization of material and financial resources and the necessary human resources.

40. The administrative budget of the Ministry of Public Health fell by nearly 27.4 per cent since 1986, which represents some 8 per cent of the State general budget and 13 per cent of the total expenditures of the Ministry.[8] This causes serious constraints, not only with regard to the functioning of the Ministry, but also with respect to the expansion of its services and makes it dependent on external funds. These funds cover 90 per cent of the total financing of the sector and 100 per cent of costs for infrastructure, for which State expenditure is only about 5 per cent. Therefore, the survival of this sector is threatened since external funds are not permanent.[9]

41. With regard to the programme for the importation of essential drugs, the sector has only 5 per cent of State support. This means that little meaningful progress was made in this area; on the contrary, there has been a reduction in the financial resources for Public Health, which has caused a negative impact on the supply of drugs, as well as on their distribution.

42. It is important to point out that this sector enjoyed important and decisive external support, which should encourage the Government to increase its participation substantially, given that 60 per cent of the external aid consists of concessions and the remaining 40 per cent is in the form of loans under very favourable conditions.

43. The easing of restrictions on trade and the creation of a private sector in the pharmaceutical area have increased the cost of drugs, which became inaccessible for the poor among the population, who, most of the time, can only afford part of their medical prescriptions.

44. The implementation of policies regarding the recovery of funds through the Bamako Initiative is limited to health facilities and has not yet been applied at other levels. Therefore, it is necessary to conduct a basic education campaign for the population accustomed in the past to free assistance and are now confronted with costs imposed by the measures of structural adjustment.[10]

45. According to studies conducted in the sector, the indicators show that the majority of women are only immunized after age 25, whereas they have children at 14-15 years of age.

46. There is a high level of abandonment of DPT1/DPT3 immunization, mainly due to the absence of information and irregular supply of vaccines. In addition, women spend the majority of their time working at home and cultivating land for the survival of their family, and therefore dot not have much time to visit health facilities for vaccinations.

47. The high infant mortality rate is also another reason for the low rate of women's immunization at childbearing age (nearly 45 per cent).

48. From the epidemiological point of view, malaria remains the most frequent cause of infant and maternal morbidity and mortality, as well as of abortions and underweight births, estimated at 12 per cent for both genders. According to 1992 epidemiological bulletin No. 1, most of the registered cases were due to malaria. The lack of means for an adequate diagnosis meant that the majority of fever cases were considered as malaria cases.

49. Severe diarrhoea is the second cause of infant mortality due to malnutrition among mothers and children. To eradicate diarrhoea it is necessary to create structures which facilitate access to sanitation and safe drinking water, and to conduct sanitary education among the population with low levels of knowledge about hygiene and sanitation.

50. Haemorrhages and infections during pregnancy and childbirth, septic abortions and eclampsia are the most frequent causes of maternal mortality, which could be avoided by continuous assistance to pregnant women and access to prenatal care.

51. The low level of knowledge, conditioned by some practices and customs, means that many women do not breastfeed their children and introduce complementary food too late or stop breastfeeding abruptly.

52. Traditional practices and customs are causing serious problems for children and women. The circumcision of boys aged 9-13 years and the partial or total excision of the clitoris in girls aged 7-12 years among the Fula and Mandinga ethnic groups are the most cruel and harmful practices. Notwithstanding the harm caused by these practices, which have been strongly condemned, there are no effective measures at the national level to eliminate them.

53. Finally, it is important to point out that the constraints identified in the health and other social sectors are also due to other factors such as:

- Deficient supply of safe drinking water to the population with low levels of knowledge about hygiene and sanitation, both in rural and urban areas;
- Bad housing conditions as the result of an inadequate housing policy;
- Deficient nutritional levels, mainly among women and children;
- High levels of illiteracy, mainly among women;
- Inefficient coverage of means of social communication and other needs related to the lack of adequate equipment and human resources.

54. Traditional practices among some ethnic groups are the reasons for the malnutrition among the women and children. Among some ethnic groups, mainly in the north-west, women do not breastfeed their children at birth. Among the Balantas, women cannot eat eggs during pregnancy. In other groups, they stop breastfeeding abruptly and introduce complementary food too late in the child's diet.

55. The results of a study conducted in 1991 show that, apart from the combined level of severe and moderate malnutrition, 59 per cent of children aged 0-5 years fall below minus 2 and 32.9 per cent below minus 3 standard deviations from median weight for age. The Ministry of Health reported a prevalence of 74 per cent of anaemia cases in women. The Hospital Simão Mendes reported 18 per cent of underweight births. Serious cases are identified in the north and east of the country.

56. The same problems have been identified in education, as a result of the reduction of the budget allocated to this sector. From the financial point of view, this sector relies on external funds, especially for the construction and maintenance of infrastructure. The State budget allocated to this sector in 1997 accounted for 12 per cent of the State General Budget just for salaries. This was not enough to cover other current expenditures, much less to allow investment in the rehabilitation and maintenance of buildings and educational facilities in Bissau and the regions, which show a high level of deterioration.

57. From the point of view of finance, the situation is very critical. Donors' contributions to the financing of major programmes were too small. This situation leads to the interpretation that the Government was not engaged enough in the process and, therefore, did not assume its obligations. To confirm that fact, we can say that the State's contribution to the budget provided for the execution of the plan of action was only 2.28 per cent, 6.27 per cent for community support and 91.46 per cent for external support. For these reasons the Government shall engage itself in the process and assume its obligations.

58. The creation of a physical space to tackle the various problems identified by each donor was another constraint identified.

59. An adequate partnership is to be identified in operational models, as well as financial and material resources for the execution and implementation of many planned actions.

60. Another problem was the absence of a database, which could help to follow the process in general.

61. The absence of specific legislation on the implementation of the Convention, judicial forums, specialized institutions and centres to tackle juridical problems, as well as qualified human resources, were also other problems encountered.

C. Achievements

62. The results did not meet expectations. The Government shall intensify its efforts in order to assume its obligations in this process, and facilitate the development of actions.

63. The results obtained at the level of health were mainly related to immunization, which substantially reduced the infant mortality rate from 377 per 1,000 live births in 1988 to 140 per 1,000 live births.

D. Impact of the Convention in the face of Guinean reality

64. The impact of the implementation of the Convention in Guinea-Bissau can be measured at three levels: Government, civil society and family.

65. At the level of the Government, as the institution responsible for its implementation and dissemination, the results obtained proved the positive political attitude of the Government in welcoming the Convention, notwithstanding some constraints identified in its implementation. It is important to point out that this problem became a matter of reflection and requires full commitment from the Government.

66. At the level of the civil society, the impact is positive. This fact can be proved through the comments collected from people in public places such as markets, means of transport and others. These comments always condemn certain practices and alert the Government to the need for urgent and adequate measures to facilitate the protection of children's rights.

67. At the level of the family, the impact of the application of the Convention is increasing gradually, thanks to radio programmes and activities carried out by various State departments, specially the Ministry of Social Affairs and Women's Promotion, the Ministry of Health and the Ministry of Education, with the support of international organizations, especially UNICEF and Radda Barnen.

68. The results at the level of health were mainly related to immunization, which substantially reduced the infant mortality rate. This level is still high compared with 1988 levels.

69. In this process, there are changes in some families' behaviour, notwithstanding that some people consider it insane to talk about child rights, sometimes they feel as if they are losing control over their children and any interference may create strains in the family's relationship.

I. GENERAL INFORMATION

A. Land

70. Guinea-Bissau is situated on the west coast of Africa. It has borders with Senegal in the north and with the Republic of Guinea-Conakry in the south and east. The Atlantic Ocean borders it on the west. It has an area of 36,125 km^2 and is marked by uplands such as the plateau of Bafatá and Gabú, with the highest located in Boé. The insular part consists of the Archipelago of Bijagos, Bolama Islands, Pecixe and several islands.

71. The most important rivers are Geba, Corubal, Cacheu, Cacine, Tombali and Mansoa, which cross the continent producing varied natural surroundings which condition human occupation and activities. Guinea-Bissau's coast is covered with mangroves, which penetrate into the interior.

72. Notwithstanding the strong influence of the seawater, the rains, which fall from June to October, determine the environment and the social and economical life of the population. Therefore, the most important resource of Guinea-Bissau is the water, the most remarkable element in biological, social and economical terms.

73. It is known that estuary seawater is the richest, in terms of diversity of marine life. It is important to point out that most of the food production in these waters is due to the confluence of different factors which allows the existence of a wide range of species of important commercial value.

74. The climate is tropical, warm and humid with two seasons: dry and rainy. Notwithstanding the scarcity and the irregularity of the rains during the last decades, they regulate the annual cycle of life of the country. If, on the one hand, the rains cause flooding of wide areas, ground erosion and destruction of roads, on the other hand they revive the vegetation, providing a habitat for several species of fauna. They also fertilize the ground and control the saltiness of the estuary waters, allowing Guineans to engage in agriculture, the most important economic activity of the country, through itinerant culture and the cultivation of swamp land or bolanha rice and cashews.

75. The median temperatures are high, with the minimum in January and the maximum in May. The thermal amplitude is weak and increases from the coast to the interior.

76. Guinea-Bissau is divided administratively into eight regions and one autonomous sector, Bissau. The regions are in turn divided into 36 sectors, which, together with the autonomous sector, makes a total of 37 sectors, which in turn are subdivided into sections.

B. People

77. According to the 1991 general population and housing census, Guinea-Bissau had 979,203 inhabitants and an annual growth rate of 2.3 per cent between 1979 and 1991. During the same period, the urban population increased from 14.2 per cent to 20 per cent. With regard to the distribution of the population by gender, 506,643 are women and 472,560 are men, which means that the female population represents 51.6 per cent of the total population, against 48.4 per cent for men.[11] The total population aged 0-18 years is 628,865 of whom 313,699 are women and 315,166 are men.

78. Guinea-Bissau's population is characterized by a median population density of 27 km^2. For the autonomous sector the annual median growth rate is 5 per cent which is twice the global rate. This shows that rural exodus is increasing more and more.[12]

79. The prenatal and neonatal mortality rate is approximately 10 per cent (4.7 per cent prenatal and 5.6 per cent neonatal).[13] The post-neonatal mortality rate (between 1 and 11 months of age) is 9.2 per cent.[14] The overall infant mortality rate is estimated at 145 per 1,000 inhabitants, 150-175 persons in rural areas and 100-120 in urban areas.[15]

80. In 1990, the maternal mortality rate was approximately 914 per 10,000 live births.[16] 1990 data show that life expectancy at birth was approximately 44 years.[17]

1. Ethnic groups

81. Guinea-Bissau's 30 ethnic groups are extremely diversified. They can be divided according to geographical and language classification, into two main groups: people living on the coast (Manjacos, Papeis, some Fulas and Mandingas) and Sudanese people or people living in the interior of the country (Fulas and Mandingas). The largest ethnic group is the Fulas, followed by the Balantas. The former live in the east of the country and their basic economic activity is commerce. The latter live in the north of the Channel of Geba and their basic economic activity is the cultivation of swampland rice.

2. Language

82. The official language of Guinea-Bissau is Portuguese, which is spoken by 10 per cent of the population, and only 1 per cent of the population uses it daily. In addition there is Creole, which is used by approximately 96 per cent of the population as a language of communication. Different ethnic groups - nearly 80.4 per cent of the population,[18] use national languages.

3. Religion

83. There are three basic religions in Guinea-Bissau: animism, Islam and Catholicism. Animism is the most important religion of the country, followed by Islam and Catholicism.

C. Economic indicators

84. Guinea-Bissau is classified as one of the least developed countries and it occupies 163rd place among 174 countries. In 1991, the revenue per capita was estimated at approximately US$ 214, against a per capita debt of US$ 514. Also according to 1991 data, GDP, in real terms, increased from approximately 2.8 per cent to 3 per cent.

1. Employment

85. Agriculture is the sector which employs the majority of the active population - nearly 80 per cent - and generates most of the revenues. In 1991, global agricultural production accounted for more than 50 per cent of GDP and represented 80 per cent export revenues.

86. The non-formal sector is visibly growing and it is the alternative for families facing the difficult economical situation of the country. The target groups of this sector are women, young single mothers in particular, and children. This sector employs the majority of the active population during the rainy season, but it is important to point out that during the dry season this labour force moves to other regions looking for work.

87. According to a 1990 feasibility study on the promotion and development of micro-firms and the non-formal sector in Bissau, conducted by the National Institute of Studies and Research (INEP) and a survey conducted of the private sector, the labour market has different strategies:

- Employment of salaried people;
- Use of unpaid family labour; and
- Use of assistants and apprentices.

88. It was revealed that family labour is extensively used in these sectors and in the majority of cases the revenues are sufficient to cover the costs of housing and food. This practice is used in almost 20 per cent of industrial enterprises, 33.5 per cent of the commerce sector, 28 per cent of the service sector and 14.2 per cent in agriculture. In the service sector, 75.5 per cent of firms use unpaid labour or do not use any labour at all. In other sectors, some two thirds of firms do not have costs for salaries; 69 per cent of unpaid workers are employed in micro, small and medium firms. Only 30 per cent of firms use salaried labour, and are responsible for 69 per cent of the total employment.

2. Public finance

89. The financial system of Guinea-Bissau is weak and the macroeconomic environment, marked by inflation, a high public debt, low salaries and successive devaluations, among other things does not favour the creation of self-savings and incentives to investment. It is important to point out that long-term credit is not provided in the financial system of Guinea-Bissau.

90. Studies conducted in 1995 show that one of the weaknesses in Guinea-Bissau's financial system is not only its reliance of external funds, made available through bilateral and multilateral credit lines to the private sector for the importation of goods in short-term operations, but also the lack of institutions and the inability of the Government to obtain and distribute national revenues. According to the same studies, this reliance, combined with an inadequate policy of public investment, caused the accumulation of high external debt, which represents nearly 50 per cent of multilateral credits.

91. The accumulation of debt is, in turn, due to the ineffective management of public funds. Since independence, there is a permanent imbalance between the budget for the functioning of the Government and investment, and the Government has always given justifications for this fact.

92. To conclude, it can be said that public finance in Guinea-Bissau is weak owing to the lack of revenues, added to ineffective fiscal and recovery policy. There is also a strong reliance on the revenues obtained from exports and fishing licences.

93. According to the same studies, the level of the money supply was on average, 17.6 per cent of GDP during the period 1987-1989 and 15 per cent in 1991-1993. There has also been a systematic reduction of the bank's intermediation system in the economic activity of the country and the development of an informal market, which has caused a negative impact on State revenues and the development of the private sector, both in trade and production.

D. International instruments related to human rights

94. The basic international instruments in this matter are the Charter of the United Nations, the Universal Declaration of Human Rights and the Convention on the Rights of the Child.

II. GENERAL MEASURES OF IMPLEMENTATION

95. The ratification of the Convention on the Rights of the Child by the Government of Guinea-Bissau proves that this country welcomed the Convention and its principles, which are similar to the principles of its Constitution.

96. Based on this political will of the Government, some approaches are being made in the application of the Convention through MASPF, with the development of various activities aimed at disseminating the spirit of the Convention. Within this context, and with the support of NGOs the Government is giving special attention to the child's problems. Innumerable activities are being carried out at the national level to sensitize people, public authorities and organs of administration, educators and others to the socialization of the child and the community.

97. Furthermore, according to 1997 AMIC report, hundreds of debates were conducted at the national level which covered approximately 5,324 people. Juridical journeys were also conducted, with the support of the civil society and NGOs. Their objective was to collect contributions for the preparation and implementation of legal texts related to the juridical protection of the child and to proceed with a greater sensitization of deputies, judges and jurists on the vital importance of this problem.

98. Other activities were also carried out at the level of schools to disseminate some aspects related to the Convention, namely the sexual violation of minors.

99. Also in the matter of dissemination of the Convention, 1,860 copies of the three publications of cartoons related to the Convention were produced by AMIC in Creole (the Djamburere collection). The Convention has not been translated into other national languages.

100. Another important aspect to be considered is the creation of the National Council for Childhood (CNI), which includes the Permanent Secretariat (SP) and the Inter-ministerial Technical Committee (CTI), coordinated by the General Direction of Social Affairs.

101. At the level of cooperation with the civil society, within the context of the CNI a plan of action has emerged from the annual Child's Fortnight and the Children's Parliament for the implementation and the application of the Convention, as well as to evaluate progress made in its application.

102. Notwithstanding all these efforts, it is important to point out that there is some problem of the connection between the different institutions, NGOs and others dealing with children's problems. Furthermore, these institutions have no physical space for a systematic and regular exchange of information, in order to harmonize the efforts made by all the parties involved in the process or to plan future actions. This fact causes the system to become extremely weak.

103. The validity and the effectiveness of the existing legislation inherited from the colonial period, especially Decree 417/71, which approves the statute on jurisdictional assistance to overseas minors, have been extended and their texts are still in harmony with the Convention.

104. Nevertheless, it is also important to point out that the principles of the Civil Code, book IV, "Family rights", title 1, "General principles", articles 1577 and subsequent articles, are in harmony with the Convention, they establish and define marriage, parenthood, relationship and adoption as matters to be regulated by family law.

105. In terms of new laws, apart from the above-mentioned legislation, there is the Penal Code, which is in the spirit of the Convention, since it stipulates, in its title II, chapter I, articles 11, 12, 13, and title III, section I, "General principles", the criminal responsibility of the child. In section I reference is made to physical integrity, while title I adopts a set of rules on non-discrimination, human freedom, the right to life, the exploitation of a minor's labour and sexual abuse, among others.

106. In practice, at the level of judicial services, the legislation of Guinea-Bissau is insufficient and ineffective, since we cannot think about justice for minors in the absence of competent courts for minors, centres of crime prevention, training of competent staff and specific legislation on this matter.

107. At the national level, the section related to the family and work in the civil jurisdiction of the Regional Court of Bissau will be responsible for cases related to the child and the family. For all these reasons, the majority of laws related to the child are written promises.

108. The laws of Guinea-Bissau ensure to all citizens the right to have recourse to a higher court, with the Supreme Court of Justice the last recourse. They also proclaim the right to invoke principles of universal rights related to the defence of human rights in general, as well as those related to the Convention, and allow the child to have recourse to the courts for minors in the defence of his physical and moral integrity.

109. For the above reasons, we can conclude that there is no constraint in the implementation of the Convention which is contrary to the existing national legislation. However, the Government, concerned about this problem, created in 1997, through the People's National Assembly, an ad hoc commission and a consultative commission consisting of various ministries sensitive to the situation of children, to prepare a Bill on Child and Woman's Protection and to revise the Penal Code, Family Rights and labour legislation and the statute on juridical assistance to minors.

A. General legal context of human rights in Guinea-Bissau

1. Constitution

110. The Republic of Guinea-Bissau, through its Constitution, ensures the protection of basic human rights and other rights proclaimed in various laws and rules for the implementation of universal rights and their interpretation in harmony with the Universal Declaration of Human Rights. The judicial power, through the judge, is the organ of sovereignty which ensures and guarantees basic human rights and the rights of the citizen.

2. Recourse

111. Juridical institutions, from small claims courts to regional courts specialized in commercial and penal cases, ensure to all Guineans the right to have recourse and to defend their claims and interests when threatened.

112. At the level of court of first instance, there is a section which deals with cases related to family and labour, which is the most viable instance for stating and defending the rights within the jurisdiction and competence of these courts. It is important also to point out that the existing judicial structures in Guinea-Bissau need a court for minors and an administrative court specialized in the matter.

3. Right to justice

113. Any citizen has the right to have recourse to the competent institutions against acts which violate his rights as contained in the Constitution and the law, and justice cannot be denied for reasons of lack of economic means.

114. All citizens are equal before the law and enjoy the same rights, without racial, sexual, social, intellectual or cultural, religious or philosophical discrimination. Therefore, they can have recourse to the existing judicial bodies in accordance with their respective jurisdiction and competence, i.e.:

- Small claims courts, also known as sectorial courts, for the resolution of simple cases related to social life, both in civil and criminal matters;

- Regional courts, also known as courts of first instance, whose competence is to decide on cases related to civil, penal and commercial matters and on appeals from the small claims courts.

115. In the Regional Court of Bissau (civil jurisdiction), there is a section whose competence it is to decide cases related to the family and labour. The Supreme Court of Justice is the highest judicial instance, deciding not only on appeals from courts of first instance, but also on constitutional and electoral matters. In all these judicial instances the judge, in the exercise of his prerogatives, is independent and shall only obey the law and his conscience.

4. International human rights and national jurisdiction

116. Guinea-Bissau, based on the constitutional principles, has adhered to and ratified the international legal instruments related to human rights; these important juridical instruments can be used by individuals and the public in all national institutions.

117. The relationship between the international instruments and national legislation is that the latter are strongly inspired by the former which shall always be considered even when they are not expressly recognized.

118. The rules of the majority of international laws related to human rights are always considered in the decisions and sentences proclaimed by judicial bodies, even when they are not provided in the national legislation. Administrative authorities show some willingness to apply rules of international legislation related to human rights in carrying out their duties, but most of the time this is nothing but an empty gesture. They must be encouraged to transform this into reality on a comprehensive and permanent basis.

119. The situation is due to different reasons: the unwillingness of some administrative authorities, the absence of well-implemented structure, the absence of qualified human resources to apply these laws in practice, the lack of financial resources and other social and political factors, which cause a negative impact on the performance of the authorities responsible for administrative structure.

120. There is in Guinea-Bissau a Guinean League of Human Rights (LGDH), which is a national non-governmental institution whose basic objective is to promote and defend basic human rights and liberties, according to the principles established in the Universal Declaration of Human Rights and in the African Charter of Human and Peoples' Rights.

B. Information and publicity

121. In Guinea-Bissau, as in any African country, the family does not side-step the rules for the socialization of children. It inculcates in the children the basic rules of their life and social relations and prepares them for future responsibilities. When the child enters school, he has already gained some knowledge about his environment and the world around him.

122. Since 1991, with the development of the mass media, children are getting more and more information due to the increasing number of newspapers, and private and community-based radio broadcasts aimed at giving support to actions for development. There are presently in Guinea-Bissau 10 newspapers, 1 magazine, 6 radio stations and 2 television stations.

123. Children's duties and rights have become a matter of concern in recent years and efforts have intensified through the creation of projects and actions targeted at children. These projects and actions produce radio programmes, especially the programme "Child's Voice", during which different themes are debated, such as the legal situation of minors and the flagrant violation of children's rights, among others. Furthermore, some issues related to children are published regularly in newspapers.

124. Among actions carried out by children themselves are the organization of theatre plays to show their concerns regarding the basic rights established in the Convention, debates and other kinds of cultural manifestations.

125. Since the ratification of the Convention by Guinea-Bissau in 1990, few mechanisms have been adopted to facilitate its implementation. Nothing was done at the juridical level, apart from the Penal Code whose revision is still underway. The existing legislation is inherited from the colonial period. The following administrative structures were created:

- The National Council for Childhood;
- The Child's Fortnight; and
- The National Parliament for Children.

126. The National Council for Childhood (CNI)[19] is the organ responsible for the development and the implementation of all aspects related to the child, mainly regarding his survival, protection and development. It shall prepare and propose to the Government a plan of action for childhood, as well as study, create and propose to the Government a package of legislation or other types of legal instruments to improve the rules and regulations related to the child's environment. In addition, it shall cooperate with the Government in the coordination of the infant policy in Guinea-Bissau and to promote the introduction of the component "child" in development projects, mainly those of a social nature. It shall also prepare every three years

accounts including all written proofs and prepare every semester a progress report showing progress made and constraints identified in the application of the Convention. Finally, it shall provide to auditors from Radda Barnen and UNICEF all documentation they may need for the management of the resources made available. This Council comprises the following ministries:

Ministry of Social Affairs and Women's Promotion (President);

Ministry of National Education;

Ministry of Health;

Ministry of Justice and Labour;

Ministry of Industry and Natural Resources;

Secretary of State of Culture, Youth and Sports;

General Direction of Planning;

General Direction of Social Communication;

Secretary of State of Energy;

Child-Friendly Association; and

National and international NGOs dealing with child's problems.

127. Also within this context the following structures were created:

An office for coordination;[20]

A permanent secretariat;[21]

The technical inter-ministerial committee.[22]

128. Among the actions carried out, a National Plan of Action for Childhood was created and an Ad Hoc Commission for the Child and Mother.

1. Other mechanisms

129. The Child-Friendly Association (AMIC) is a national NGO in the social and humanitarian area, created in 1984 by a group of young people, whose objective is the development of the Guinean child and the protection of his natural and basic rights, through community-based action.

130. The Committee for the Fight against Harmful Practices was created on 24 November 1995 and it is aimed at fighting against all types of harmful practices. At the level of children, it develops actions to condemn the practice of female excision, compulsory and premature marriage and harmful nutritional practices.

2. Other actions

131. Many actions were carried out by AMIC namely: the dissemination of the Convention throughout the national territory; legal assistance to minors,[23] actions for mobilization and sensitization; actions in partnership with the Government[24] and other NGOs.[25]

132. Concerning the issue of child's labour[26] the following actions were carried out:

training for children;

training for community workers in urban areas;

the social and juridical protection of the child;

information and sensitization;

sport and cultural activities;

medical assistance and sanitation.

133. Enda-Bissau and GUITEC give support to professional training for children and young people.

III. DEFINITION OF THE CHILD

134. Article 1 of the Convention on the Rights of the Child, as well as the Constitution of Guinea-Bissau, are unanimous in the definition of child as any individual aged less that 18 years, unless otherwise established in the laws applicable to the full legal age.

135. In Guinea-Bissau, law No. 5/76 determines that "Any individual, either female or male, when he/she reaches 18 years, has full capacity to use his/her rights and to govern himself/herself and to dispose of his/her properties".

136. The Penal Code in force in the country stipulates in its article 10, together with article 12, that any individual is subject to criminal prosecution when he reaches 16 years of age. It also stipulates that punishment, depending on the type of violation, is specially mitigated in cases of delinquent people aged more than 16 and less than 20 years.

137. Decree 20/83 of 9 July establishes that any individual aged 18-25 years is subject to compulsory military service. However, this legislation also establishes that boys under 16 who

want to perform military service, shall submit a request to the Chief of Staff of the Armed Forces, including their birth certificate, certificate of school attendance, and an attestation of emancipation duly signed by their parents or tutors.

138. In Guinea-Bissau, according to the Constitution, the biological parents (father and mother) are responsible for the education of their child, as established in article 26 together with article 16 of the Constitution. However, this rule is not applicable in practice, as, according to customary laws, the child is educated according to the cultural values of each ethnic group. For instance:

(a) It is common that in traditional societies the customary law allows the head of the family to marry more than one woman. In these cases, the biological mother is not always responsible for the education of her children;

(b) Furthermore, children are separated from their biological parents to be educated by other people in the system of Mininos de Criaçon. It is important to point out that depending on the cultural values of each ethnic group and the customary law, once the child is far from its biological parents it has better conditions for its education and learns how to behave in society. This fact is extremely important because it meets some principles established in the Constitution and the Convention.

139. In Guinea-Bissau the child is an important source of revenue for the family and for the economy in general, but the use of the child's labour is harmful to his development.

140. There are also important disparities between girls and boys. Girls are highly penalized not only at the level of the family but also in the society in general. They are discriminated against in all social spheres, especially in the matter of training and/or education.

A. Work

141. Work is what a man does. Within this context, the Government has created, through article 46 of the Constitution, legislation which governs work relations (General Labour Law) in the country. From the social and legal points of view, the statute of the civil service, inherited from the colonial period, was not in accordance with the spirit of the labour policy adopted by the Government in the implementation of the constitutional principles on this matter.

142. However, the number of children who are currently working in the non-formal sector is increasing considerably and the child is compelled to do the same work as an adult, often in difficult circumstances and highly dangerous conditions. This fact is contrary to the constitutional principles and the spirit of the labour legislation. In administrative terms, this situation is due to an ineffective labour policy carried out by the Government and to the serious economic and financial crisis of the country. No measures have been taken to put an end to or to alleviate this situation.

B. Marriage

143. Article 1577 of the Civil Code defines marriage as a contract signed by two people of different genders who want to form a family legally through a full communion of life. It also establishes, as a general rule, the age of 16 for boys and 14 for girls as the minimum age allowed for marriage, and always subject to the consent of the parents, tutors and/or educators. When these procedures are not followed, the betrothed minor can oppose the marriage according to civil registration laws, which means that the marriage can only be celebrated once the court for minors has decided that it is legal.

144. The Civil Procedure Code, inherited from the colonial period and which is still in force in the country, contradicts the various laws relating to legal full age, as it states that any citizen aged 18 years is legally responsible for his acts. The Penal Code prohibits sexual relations between individuals under 18 and establishes the age of 18 as the legal age for marriage.

145. In this matter, we cannot talk only about the written legislation, because the social life of Guineans is ruled by the customary law, which does not always conform to the written legislation. Premature and compulsory marriages are current practices accepted by customary law.

IV. GENERAL PRINCIPLES

A. Non-discrimination

146. The Constitution of Guinea-Bissau in its article 24 establishes that all citizens are equal before the law and enjoy the same rights and are subject to the same duties, without discrimination on the basis of race, gender, social, intellectual or cultural level, religion or philosophical belief. These principles are in accordance with article 2 of the Convention.

147. Even though the Constitution condemns any type of discrimination among people, there is in practice some discrimination related to disabled people, persons with Down's Syndrome, albinos and twins. This is due to the lack of specialized centres, schools and professional training, or health facilities for these people.

B. Best interest of the child

148. With regard to the status of parents of legitimate and illegitimate children, article 26 (1) and (2) of the Constitution of Guinea-Bissau establishes that all children are equal before the law, independent of the civil status of their parents. Law No. 4/76 also abolishes discrimination between legitimate and illegitimate children.

149. Guinea-Bissau ensures, through article 32, together with articles 29, 30, 32, 34, 37 and 38 of the Constitution, the right of any citizen to have recourse to administration institutions independent of his economic status. In addition, the Constitution ensures to the child access to the courts to protect his interests, through the Attorney-General of the Republic (the protector of minors).

150. With regard to health and education, the Constitution of Guinea-Bissau in its articles 15, 16 and 26 (3) ensures technical and medical assistance to the child, as well as complete training.

151. Finally, with regard to culture, Guinea-Bissau, through article 17 of its Constitution, stipulates that adequate conditions shall be created and promoted to preserve the child's cultural identity, as a factor encouraging the harmonious development of society.

152. However, not all of what is said above is applied in practice; the reality shows that the Government of Guinea-Bissau still has a lot to do, and what has been done has not met the expectations.

C. Right to life and development

153. The Constitution ensures the right to life of all citizens in general, especially with regard to the security of children's lives. This principle is duly provided in our legislation, which establishes that no one has the right to kill anyone else and the right to life of children is expressly established. The legislation expressly prohibits infanticide during his first month of life. It also prohibits the grandfather or grandmother from killing their grandchild for the simple reason that he was born with a physical deformity or disease caused by practices and customs of their ethnic group.

154. On the other hand, in order to ensure the survival of the child, the legislation establishes that food is a basic need for the child. The individual or institution responsible for orphans shall ensure that they receive food. This principle is not applied in practice, as there are not enough institutions and centres to take in orphans.

D. Freedom of expression

155. The Constitution states that all citizens have the right to freedom of expression and the right to express their opinion. However, the child's opinion in Guinean society is not considered for the simple reason that he is a child. However, some meaningful progress is being made on this matter with the implementation of the Convention.

V. CIVIL RIGHTS AND FREEDOM

156. The Constitution of Guinea-Bissau recognizes for all citizens the right to personal identity, civil capability, citizenship, reputation, image and authority, and individual or family privacy.

A. Name and nationality

157. It is through birth registration that a person certifies his identity and parenthood. It is also through registration that a person gets the necessary documentation to prove his citizenship and nationality. All this represents a guarantee to the child to have a name and to belong to a family.

158. For abandoned children, the Delegate of the Attorney-General of the Republic (the protector of minors) decides on their fate in accordance with the law.

159. The legislation of Guinea-Bissau stipulates that any child born within the territory of Guinea-Bissau shall be registered within the 30 days following his birth, at the registry office located in the administrative area where the child was born. This registration establishes the civil identity of newborns, through the representative of the minor and the competent insututions in this matter.

160. Any individual is considered a Guinean citizen who was born in the territory of the Republic of Guinea-Bissau before the date that law No. 1/76 became effective, which establishes rules for the attribution of Guinean nationality. Any individual born outside the national territory before that date and whose father and mother have Guinean nationality, may, up to 31 December 1976, declare that he renounces Guinean nationality when he reaches majority, or through his legal representative if he is a minor. Individuals born in the national territory after that date are considered Guineans, if they meet some of the following requirements:

(a) To be born of a father or mother with Guinean nationality;

(b) To be born of stateless parents or parents with unknown nationality; and

(c) To be born of foreign parents not living in the national territory in the service of their State, and if they do not declare that they renounce Guinean nationality when they reach majority or through their legal representatives if they are disabled. Newborns found abandoned in the national territory are considered to have been born in the territory, unless otherwise established by the law.

161. Children born in foreign territory and whose father or mother is Guinean are considered Guineans if they meet some of the following requirements:

(a) Their father or mother is living in that territory at the service of the Guinean State;

(b) They declare themselves, or through their legal representative, that they want to be Guineans and have their births registered at a Guinean registry office, by themselves or through their legal representatives.

B. Preservation of identity

162. Once identity has been established in accordance with all the necessary civil registration procedures, no one has the right to change his identity.

C. Freedom of expression

163. The Constitution of Guinea-Bissau, in its article 51, stipulates that all Guineans have the right to express their feelings freely using any means at their disposal. The use of this right cannot be denied or limited by any type or nature of censorship.

D. Freedom of thought, conscience and religion

164. The Constitution of Guinea-Bissau in its article 52 recognizes and gives protection to the freedom of conscience and worship, and ensures the freedom to practise any religion. In addition, the Constitution in its articles 54 and 55 admits the freedom of thought, association, and peaceful assembly in public places in accordance with the law, apart from any kind of authorization and public interference. The State also cannot dissolve associations or suspend their activities, unless otherwise provided in the law and in accordance with a judicial decision.

E. Freedom to form associations and to hold peaceful meetings

165. The Constitution of Guinea-Bissau in its articles 45 and 50 allows any individual the freedom to form associations and hold peaceful meetings, as a means for intellectual, artistic and scientific development. It also recognizes the freedom and the right to inventions, productions and the dissemination of scientific, literary and artistic works and it also ensures protection to copyrights.

F. Protection of privacy

166. The Constitution of Guinea-Bissau in its article 48 prohibits the violation of the home on any account, as well as the violation of individual and family privacy. Furthermore, it prohibits pursuit in households with the purpose of obtaining information without a previous order from the competent judicial entity. The purpose of this constitutional provision is to ensure and protect the private life of all citizens, especially children and families. It also expressly prohibits the violation of private correspondence.

G. Access to adequate information

167. The Constitution establishes in its article 34 that all individuals have the right to information and the Government gives special attention to the child in this matter, through public institutions and some national NGOs, namely: the Ministry of National Education; the Ministry of Social Affairs and Women's Promotion; the Ministry of Public Health; AMIC; the Guinean League of Human Rights; the Centre for Information and Juridical Orientation. Radio programmes are produced for children such as Bambaran di Padida, Mininessa di ahós garandessa di amanha, Child's voice, etc.

H. Prohibition of torture or cruel, inhuman and degrading treatment or punishment

168. The Constitution in its article 37 defines clearly that the moral and physical integrity of the citizens is inviolable and no one shall be subjected to torture or cruel, inhuman and degrading punishments. Man shall not be subjected to hard labour and measures intended to limit his personal freedom, whatever their duration may be. This same article also establishes that any individual is responsible for any criminal act he may commit.

VI. PRESERVATION AND PROTECTION OF THE FAMILY ENVIRONMENT

169. The State of Guinea-Bissau allows the right to form a family and ensures its protection according to article 26 of the Constitution of the Republic.

170. The family unit is the basic and irreplaceable environment of the child. It ensures to the child the necessary psychological elements for the development of his personality. For that reason, the child shall not, on any account be separated from his family or natural environment. Guinea-Bissau, in order to ensure the protection of children in a situation of war, has preserved some child welfare institutions created since the National Liberation War, to take in minors in difficult situations. In 1995, the Government of Guinea-Bissau welcomed the SOS village, an international NGO,[27] whose objective is to minimize orphans' or abandoned children's needs, through the creation of necessary conditions for their complete development within a family-like, healthy and affectionate environment.

A. Responsibility of the parents

171. The child's parents or relatives are responsible for the education of the child and for that reason they are responsible for their rights, survival and education.

B. Family orientation of the child

172. Children's parents or relatives are responsible for their education throughout the childhood and shall decide on the type of education and professional orientation for them.

C. Children not living with their parents

173. In case of divorce, law No. 6/76 provides for the protection of the family, but this objective has never been reached since the separation of families became current practice in Guinea-Bissau, and this fact is negative for the child. The Regional Court of Bissau is the only competent court to rule on the exercise of paternal power on behalf of the minor. The care of the minor can then be awarded to his father or mother or to another person or educational institution, according to the principles of the Civil or Family Code.

D. Reunification of the family

174. In general, the spirit of law No. 6/76 is to protect marriage and, therefore, the family.

E. Travel and illicit detention

175. The Guinean Constitution establishes in its article 53 that all Guineans have the right to travel freely to any place within the national territory. However, the Penal Code criminalizes and condemns illicit detention, especially related to individuals under 18.

176. Finally, with regard to travel outside the country, especially of minors, the Government of Guinea-Bissau establishes that the person responsible for the child during the travel shall

submit to the competent authorities all necessary documents related to his identity, as well as the identification of the child's parents or child's birth certification and/or certificate of emancipation duly signed by his parents. This measure is intended to protect the child and avoid illegal entries and exits of children.

F. The guarantee of food

177. In this matter, the law establishes, according to the court's decision, that necessary food shall be guaranteed to the child.

178. The person legally responsible for his education shall ensure necessary food for the child. When the person is a civil servant, an amount is deducted from his salary to cover costs for food, lodging and charges related to the child's education. With regard to private employees, the employer shall be the trustee.

G. Children not living in households

179. If for some reason the child is not living with his family and/or educator, or at an institution responsible for his education, he shall be sent to the competent administrative institution in charge of child protection.

180. In the case of orphans, the procedure is more comprehensive, including judicial and social procedures and the intervention of all institutions responsible for the protection of children.

H. Adoption

181. The Constitution, in accordance with the Civil Code in force, establishes the judicial procedures for the adoption of the child, according to the decision of the regional court (family and labour section). Therefore, article 1974 of the Civil Code establishes the following rules for the adoption of a child:

- The adoption shall be advantageous for the child;
- The child shall be aged less than 14 years and not emancipated;
- The adoptive parent shall be aged more than 25 and less than 60 and be married more than five years and not legally or voluntarily separated;
- The adoption shall be made with the full consent of the child when he is aged more than 14 years, unless he shows some mental disability.

182. There are also two kinds of adoption: full and partial.

I. Periodic review of placement

183. Guinea-Bissau has no orphanages or child welfare centres to take care of abandoned children or children living in the street. Apart from the three existing boarding schools, in bad condition and with great material and financial needs, there are some private nurseries and kindergartens that receive children in half-board regimes and some community-based kindergartens in Bissau and the regions. Probably the only reference we have in the matter of orphanages is an SOS Village in Bissau, which is functioning properly.

J. Abandonment or neglect, physical and psychological rehabilitation

184. The legislation of Guinea-Bissau, through decrees 417/71 and 484/71, which approve the statute for judicial assistance to minors and the rules for jurisdictional assistance to minors, respectively, establishes the treatment to be given to the child in these circumstances. However, these rules are not applied in practice. There is no specialized centre in Guinea-Bissau in this matter, apart from the two centres for mental and motor rehabilitation, both in bad condition.

VII. HEALTH AND WELL-BEING

185. The Constitution of Guinea-Bissau in its article 15 is in accordance with the spirit of the Convention and defines public health as one of the basic principles of the Government to promote the physical and mental health of the population and their well-balanced insertion in their social and ecological environment. However, this constitutional principle is not completely applied in practice, as health facilities in Guinea-Bissau are in bad condition, due to the inefficient management.

186. On the other hand, the galloping poverty and the low level of purchasing power prevents the population from access to health facilities, which only ensure medical assistance; all medical prescriptions must be procured by the population.

A. Children with disabilities

187. Even though article 22 of the Convention establishes that disabled children shall enjoy from the State all necessary conditions to ensure their dignity and autonomy and to facilitate their active participation, this principle is not applied at the juridical and social levels.

188. No measure was adopted at the juridical level to give assistance to disabled children, apart from decrees No. 417/71 and No. 484/71 approved by the former Ministry of Foreign Affairs and which will be kept in force until the creation of specific legislation on this matter. These decrees are no more than "written promises". From the social point of view, there is no specific measure related to education, health, social assistance and professional training to facilitate the independence and insertion of disabled children in society which means that children are treated like other citizens.

189. In the matter of disabled children, the Constitution makes reference only to veterans. This target group was at the centre of the Government's concern during the period 1986-1990. In January 1996, in accordance with a decision of the Head of State, a commission consisting of members of the Presidency and the Secretary of State for Veterans was created at the level of the National Insurance and Provident Society to study the possibilities for the establishment of a National Association for Disabled People. In February 1997, a campaign of sensitization and a week of solidarity with disabled people were organized with the participation of the National Union of Blind People (UNAS). Later, the first indicative survey of disabled people was conducted at the level of the autonomous sector, and the results are as follows:

TABLE 1

Number of people showing some kind of disability, by gender, age group and type of disability

Nature of disabilities	Gender (%)		Age group						
	M	F	Children	Adolescents	Young persons	Adults	Old people	Middle-aged people	Total
Physical disability	63	37	303	181	193	365	268	44	1 354
Blindness	52	48	52	50	53	349	652	30	1 186
Ambliopya	52	48	49	29	53	265	381	30	807
Deafness	55	45	87	58	64	158	163	13	543
Paralysis	54	46	136	46	67	114	78	19	460
Epilepsy	60	40	47	38	74	123	34	6	322
Hansen's disease	67	33	3	8	18	113	153	11	304
Elephant-iasis	23	77	1	4	15	133	145	9	307
Deaf-mutism	76	24	5	13	29	133	93	10	283
Hemiplegia	59	41	56	35	27	58	14	5	195
Handicapped	60	40	47	15	16	41	45	13	178
Stammer	70	30	61	32	11	35	18	8	157
Atrophy	66	34	16	3	13	67	43	8	150
Insanity	54	46	1	5	11	41	25	7	90
Tuberculosis	55	45	9	12	15	32	12	6	86
Mutism	66	34	39	12	10	14	5	1	81
Mental backward-ness	58	42	11	12	13	26	11	1	74
Language disability	54	46	5	4	5	3	3	-	20
Total	54	46	928	557	687	2 070	2 143	221	6 597

Source: Alexandre Furtado, "Guinea-Bissau and the Convention on the Rights of the Child".

TABLE 2

Number of people showing some kind of disability, by region, gender and type of disability

Region	Gender (%)		Type of disability					
	M	F	Motor	Sensory	Psychological	Associated	Others	Total
Oio	65	35	607	478	100	157	211	1 553
Gabu	43	57	428	454	86	60	358	1 386
Bissau	54	46	812	394	60	90	8	1 364
Bafata	52	48	423	647	95	62	83	1 310
Biombo	51	49	375	428	32	95	15	945
Tombali	60	40	178	229	47	30	3	487
Cacheu	57	43						

190. The first National Conference on Disabled People, which was held during the same period, approved the creation of a National Association for Disabled People whose statutes have never been approved.[28] Furthermore, some important recommendations issued from this conference related to disabled people, mainly at the levels of health, education and social communication. However, nothing was done in practice. After this conference the Government and public and private institutions again neglected this problem.

191. At the level of NGOs, there is a National Association for Health Development (ANDES), which has two projects, a medical clinic and a community-based rehabilitation centre. The objective of this project is to improve the physical, psychological, social and economic situation of disabled children and young people aged 0-25 years. It intends also to offer possibilities of rehabilitation to disabled people and to improve their social insertion in and acceptance by Guinean society, as well as to encourage local production of prostheses using local material resources. This project also has a child-friendly home, which gives support to disabled children suffering from paralysis, epilepsy, learning disability, lack of sensory response, mental disability, difficulty in hearing/talking and seeing.

192. Medical assistance in the rehabilitation and insertion of disabled children is given through specialized centres and institutions for disabled people, which provide better assistance and produce and supply prostheses at low cost, as well as training for families for follow-up purposes.

193. The social insertion of disabled people is accomplished through the encouragement of disabled children and their families in the use of their rights and values, as well as the sensitization of the community such as neighbours, educators, social experts, religious people, doctors, etc. on the importance of this project. The insertion also takes place at the level of schools and participation in community-based activities. The economic insertion of disabled people is done through micro-projects which produce revenues.

194. Adequate measures shall be taken and there are signs of some concern and attention from the Government, through the MASPF, in the promotion and application of the Convention in creating the CNI. Nothing was done at the level of the MASPF, apart from the timely resolution of some rare cases. An association was created to give support to disabled people, but it is not functioning at present owing to a lack of material and financial resources.

195. At the level of curative and preventive institutions, there are only two centres for motor and mental rehabilitation, the latter located in Bra-Osvaldo Vieira. The motor rehabilitation centre or prosthesis centre was inaugurated in June 1992. Its objective was to offer outpatient medical consultations and post-operative physiotherapy, as well as to manufacture and maintain prostheses, various kinds of orthopaedic corsets and other devices, initially for veterans and later on for disabled people in general. In 1985, this centre received 1.2 per cent of the budget of the MINSAP; 64 per cent of this budget was intended to cover personnel expenditures.[29] The centre has a specialist doctor, 1 nurse, 8 assistants and 10 high- and/or medium-level experts.

196. When the funds from the Netherlands ended, the centre ceased operations; presently only 5 per cent of its services are functioning, and these depend on materials donated by interested individuals. The centre only assists individuals who can pay for their treatment or have the possibility of being assisted abroad.

197. The mental rehabilitation centre located in Bra-Osvaldo Vieira was also created with Dutch funds and its objective is to give specific preventive and curative care in the rehabilitation and the insertion of mentally disabled people.

198. In the matter of training facilities for disabled people, basically nothing was done. Disabled people attend the same schools as normal people. The existing structures have never taken this group into consideration. The professional insertion of disabled people does not receive any special attention from the Government.

B. Health and medical services

199. The health situation in Guinea-Bissau shows high levels of infant mortality and morbidity. This is mainly due to the prevalence of major diseases such as malaria, diarrhoeal diseases, acute respiratory infections, as well as tuberculosis, sexually transmitted diseases, leprosy, anchylostomatiasis, onchocerciasis, measles, malnutrition and neonatal tetanus, among others. Furthermore, the lack of financial resources is also one of the constraints to the functioning of health facilities, with serious implications for the supply of essential drugs, rehabilitation, construction and maintenance of infrastructures, supply of necessary equipment, and material and human resources.

200. As noted earlier, the chaotic financial situation of this sector causes innumerable problems and constraints not only in its functioning but also in the expansion of its services, and places it in the continuous reliance on external funds: 90 per cent of the total financing of the sector and 100 per cent of expenditures in infrastructure are covered by these funds, in which the State's participation is only 5 per cent.[30] With regard to the programme of importation of essential drugs, the State's participation is also only 5 per cent. However, this difficulty was overcome and meaningful changes were made with the easing of restrictions on trade and the creation of a private sector in the pharmaceutical area.

201. If we can say, on the one hand, that some progress was made in this sector, it represents, on the other hand, high costs for the population, who sometimes can only afford part of their

medical prescriptions. Therefore, traditional medicine is assuming an important role in the resolution of the health problems of poor people, as it is the only recourse in case of disease or injury.

202. According to the National Health Development Plan (PNDS) the quality of health services in hospitals is poor, mainly due to the emergence of private clinics, lack of incentives, frequent interruptions in the supply of materials, reagents and drugs, damage to equipment, etc. Furthermore, the poor economic situation of a great number of children is another factor to be considered, added to deficiencies in the health coverage of maternal and infant health services. Nutritional taboos are also one of the reasons for the prevalence of malnutrition among children.

203. It is also important to point out that excision and premature marriage among girls are also the main reasons of maternal and infant mortality.

204. To minimize this situation there are national support programmes, such as the maternal and infant health and family planning programme, the malaria programme, the expanded programme of immunization, management of diarrhoeal diseases, leprosy, tuberculosis, sexually transmitted diseases and HIV/AIDS, malnutrition, onchocerciasis, hygiene and sanitary services.

C. Social security and services and facilities for assistance to the child

205. The right to social security is closely linked with paid professional activities.

206. The Constitution in its article 46 guarantees the gradual creation of a system able to ensure social security to the worker in old age, illness or disability for work. Furthermore, decree No. 27/85 of 21 June approves the rules of the Social Security Fund in providing:

(a) Assistance to national workers in case of illness, according to decree No. 5/75 of 25 October;

(b) Assistance to national citizens in a difficult financial situation, who, in the opinion of the national medical council, need to be evacuated abroad for medical assistance;

(c) Assistance to independent workers registered with the system, according to the law.

207. Decree No. 5/86 of 29 March establishes conditions for the General Regime of Social Security for:

(a) Workers who carry out activities in the sectors of trade, industry and services;

(b) Workers who carry out activities in the agricultural and other sectors of activity, when the identity of their employers is known;

(c) Assistance to the families of workers in case of illness, maternity, infirmity, old age, death, occupational illness or work accident.

208. For the above reasons, workers shall be registered in the social security system apart from civil servants, and a superannuation is deducted from their salaries.

209. In Guinea-Bissau, the fact that 80 per cent of the active population are employed in the agricultural sector and the very structure of employment in micro-industries and the non-formal sector, which employ family labour in the majority of cases, means that the great majority of the population, especially children, are not covered by the above laws.

210. Social security for civil servants has not been applied in practice for a long time. The Government is now creating mechanisms for its implementation.

211. Children enjoy the assistance of some NGOs and international organizations, which finance community-based kindergartens to ensure their education during the first years of life and to allow their mothers to participate in activities for their development.

212. It is important to point out that the existing boarding houses accommodate 3,027 children who receive assistance in food, with the support of a joint Government/World Food Programme.

D. Standard of living

213. Some efforts were made by the State, and some national and international NGOs to improve the standard of living of the population, notwithstanding the identification of great needs in some sectors, namely, housing, sanitation and access to safe drinking water, among others. However, other sectors, i.e. support for the economic activities of women, mainly in rural areas, have enjoyed special attention from national and international NGOs during recent years.

VIII. EDUCATION, RECREATION AND CULTURAL ACTIVITIES

A. Education, including training and professional orientation

214. Families are, above all, responsible for the education and professional training of children. This means that children shall have access to basic education through formal schooling or non-formal education.

215. The Constitution safeguards the right to education in its articles 49 and 50 where it establishes that the State is responsible for the promotion of free and equal access of all citizens to different educational levels and ensures to children the right to formal, private and cooperative schools. In addition, the State, through article 52 (3) of its Constitution, guarantees the freedom to practise any religion.

216. Education in Guinea-Bissau, according to Alexandre Furtado's report on the Convention in Guinea-Bissau, shows a frightening situation from the financial point of view. This sector relies on 90 per cent of external support. On the other hand, the Government has no sound policy of distribution of financial resources and the educational system is not sensitive to the social reality. In addition, more than half of the population of school age is not covered by this system.

217. Only 1 per cent of children of school age has access to nurseries, kindergartens and other similar institutions. It is important to point out that the schooling rate is approximately 40 per cent. Another important factor is the existing discrimination between boys and girls. This fact is closely linked to the educational standards of traditional societies.

218. In Guinea-Bissau, the illiteracy rate is high and stagnant, especially in rural areas. The budget for the functioning of the educational sector, which reached 28 per cent of the general budget in 1995, has decreased to 14.62 per cent.

219. These data are those of 1993, in the absence of those of 1996 and subsequent years which are still being processed.

B. The objectives of education

220. The main objectives of education are, on the one hand, the development of the man and, on the other hand, to prepare him for future responsibilities, through a process of training. This process requires a progressive socialization of the child and the learning of general knowledge.

221. Education, according to the school curricula and educational programmes, shall above all enrich the personality of the child and facilitate the development of his mental, physical and intellectual capacities. Another important objective of education is to inculcate in the child respect for the human being and basic rights and the preservation of his identity through participation in cultural and other activities. Furthermore, the child shall be prepared to assume responsibility for his acts in life, in a free society, in a spirit of comprehension, tolerance and equality between the genders.

222. In Guinea-Bissau, this objective is not yet applied in practice, as the minimum conditions are being created at the national level to adapt the educational system to the reality of the country.

223. Schooling plans, programmes and curricula for different educational levels are only now taking into account the cultural fabric of the country and the value of some positive aspects of traditional education, and whose realization shall start from the psychological reality and knowledge of the children.

224. For the above reasons, the first steps are now being taken in the educational system in view of the social and economic development of the country and the creation of the necessary conditions for the application of the objectives established in the Convention. Illustrative data on this matter are in process at the level of the Ministry of National Education.

C. Spare time, recreation and cultural activities

225. In Guinea-Bissau, children in their spare time, mainly in their residential areas, engage in innumerable cultural, recreational and sporting activities. They do the same activities in schools, as school curricula include attendance at physical education classes. For many years these

classes were held in very difficult conditions and there is no indication of any permanent initiatives or specific infrastructure for that purpose. With the support of some private individuals, some sports activities have been introduced in formal schools.

226. With the creation of the School and University Sport Federation in 1993 and the supply of the necessary resources, more children began to participate in sports.

227. The National Music School was created in 1980, through decree 2/80 of 12 January. Its objective is to develop artistic education through the teaching of music, training and dissemination.

228. The National Institute of the Arts, which played an important role in the artistic education of children during those years, could not give continuity to its objectives, due to the lack of financial resources.

229. Different activities were carried out at the level of the Secretary of State for Culture, Youth and Sports, such as the National Festival of Music, different competitions of traditional dances, plastic arts, sporting activities and carnival,[31] among others. Children play an important role in all this process, which contributes to their physical and psychological development. Furthermore, children participate in many international sporting and cultural events, with the support of international organizations. Some sports facilities were created, financed by French cooperation.

230. It is important to point out the absence of parks in the country, notwithstanding some arrangements for the construction by the Rotary Club of Bissau of some recreational facilities in schools and residential areas and the production of appropriate films for children.

231. During the last year, some progress was made in the production of television programmes for children by the National Television Broadcasting Company (RTGB).

232. There are no mechanisms to protect and prohibit the participation of minors in public shows and recreational facilities which are inappropriate for their age.

IX. SPECIAL MEASURES FOR THE PROTECTION OF THE CHILD

A. Children in difficult situations

1. Displaced children

233. Guinea-Bissau, under the Geneva Conventions of 1949 and their Additional Protocols and as an ex officio member of the Organization of African Unity (OAU), and according to the principles of the African Charter on the Rights and Welfare of the Child, has made a decisive contribution in welcoming refugees from the subregion by giving them all necessary material and financial means, with the support of the Office of the United Nations High Commissioner for Refugees. As a result of armed conflicts between the rebels from Casamance and the Senegalese army in 1998, Guinea-Bissau welcomed approximately 4,665 displaced people organized in 954 family groups, with a median of 6.2 persons in each group.

TABLE 3

Refugees from Casamance, by the number of families and areas of residence of Guinea-Bissau

Areas	Families		Refugees	
	Number	Proportion%	Number	Proportion%
Bigene	12	1.3	74	1.6
S. Domingos	316	33.1	1 588	34.0
Ingore	145	15.2	815	17.5
Susana	268	28.1	1 022	21.9
Cacheu	213	22.3	1 166	25.0

Source: Census report of refugees from Senegal and Casamance in Guinea-Bissau.

TABLE 4

Distribution of heads of families displaced from Casamance, by gender and areas of residence in Guinea-Bissau

Areas	Families			Displaced		
	Male	Female	Total	Male	Female	Total
Bigene	9	3	12	36	38	74
S. Domingos	238	78	316	759	829	1 588
Ingore	116	29	145	417	398	815
Susana	170	98	268	534	488	1 022
Cacheu	158	55	213	621	545	1 166

Source: Report on registration of refugees from Casamance in Guinea-Bissau.

TABLE 5

Distribution of refugees from Casamance by age and areas of residence in Guinea-Bissau

Areas	Under 5 years	5-7 years	More than 18 years	Total
Bigene	10	29	35	74
S. Domingos	204	642	742	1 588
Ingore	82	319	414	815
Susana	131	388	503	1 022
Cacheu	164	534	468	1 166

Source: Report on registration of refugees from Senegal and Casamance in Guinea-Bissau.

234. According to the above tables the great majority of heads of household are men. Under-18 children represent 54 per cent of the displaced population, which means that more than half of the population are children.

235. The major ethnic group are the Djolas, which represent 59.4 per cent of the registered people, followed, according to the number, by Manjacos (17.1 per cent), Mancanhas (8 per cent), Fulas (5.4 per cent), Balantas (3.5 per cent) and Mandingas (2.5 per cent). These ethnic groups represent 96 per cent of the refugees. Sixty-one per cent of cases came to Guinea-Bissau during the period 1992-1993; those from Susana came during 1994-1995 and those from Cacheu, during the period 1996-1998.

236. The majority of refugees are farmers. This category includes 75 per cent of the active population. The second major activity is fishing, which is carried out especially by the refugees from Susana, which represent 74 per cent of the active population. Handcrafts are the third economic activity, which is performed by 41 per cent of the refugees from S. Domingos.

TABLE 6

Distribution of Senegalese refugees by economic activity and areas of residence in Guinea-Bissau

Economic activity	Bigene	S. Domingos	Ingore	Susana	Cacheu	Total
Agriculture	25	477	459	510	380	1 851
Fishing	-	2	1	20	4	27
Handcrafts	7	15	2	6	6	36
Commerce	-	1	2	7	3	13
Education	-	2	-	-	8	10
Other activities	8	334	78	96	132	648
Students	18	199	89	130	276	712
Not applicable	12	558	184	253	357	1 369

Source: Report on registration of refugees from Senegal and Casamance in Guinea-Bissau.

2. Children in armed conflict and their physical and psychological rehabilitation

237. The legislation of Guinea-Bissau is in perfect accordance with the principles of the Convention. It governs the protection of children in armed conflict, as well as the promotion of adequate measures for their physical and psychological rehabilitation and insertion in the society. These principles are important to the preservation of the children's dignity.

238. However, it is important to point out that Guinea-Bissau has not lived other armed conflicts since its war of national liberation, except for some occasional cases of Senegalese refugees from Casamance, which have deserved special attention from the Government, notwithstanding the lack of resources.

239. In addition, the majority of displaced people in Guinea-Bissau are children. They receive support from the Government, especially through UNHCR.

B. Children in conflict with the law

240. In this matter, the child is subject to criminal responsibility when he reaches 16 years of age. The law determines that the objective of criminal prevention institutions is to promote the social rehabilitation of the minor. These institutions are responsible for the application of measures related to the prevention of crime. Structures for the prevention of crime mean the executive centre attached to specialized courts, whose competence is to study the situation of minors. They shall define the qualities, failings, knowledge, capacities and tendencies of children and study their life conditions at home and in society, in order to provide better conditions for their social rehabilitation. The medical and psychological institute is aimed at giving assistance to children showing some mental disability. Educational institutions are aimed at promoting social rehabilitation of minors subject to measures of confinement, through adequate education, schooling and professional training. The boarding schools are aimed at welcoming, temporarily, former inmates needing some protection.

241. With regard to this matter, there is not in Guinea-Bissau any institution for the prevention of crime among and social rehabilitation of minors, or specialized centres attached to the competent courts, or medical and psychological institutions, apart from the SOS Village which functions as a boarding school and asylum for children. For that reason we can say that nothing has been done in this matter. However, the Government, civil society, NGOs and other organizations are worried about this problem and are trying to find other alternatives for its resolution.

1. Administration of juvenile justice

242. The juvenile justice system is confidential, and proceedings are closed. Criminal records cannot be requested by other entities, or used to produce certificates, unless so required by the Attorney General of the Republic and the Direction of the boarding schools which take in children on the basis of a decision of the courts for minors or criminal courts. The system includes crimes committed by children aged more than 16 years, whose punishment corresponds to imprisonments, or criminal cases related to delinquent children, unless otherwise decided by the court.

243. Criminal courts may also request criminal records only for statistical purposes or scientific studies and shall maintain the confidentiality of these documents (see decree Nos. 417/71 and 484/71). All these procedures are not applied in practice.

2. Children deprived of their freedom, including other forms of detention, prison or custody

244. The Constitution of Guinea-Bissau determines expressly that all citizens have the right to freedom, and this freedom cannot be threatened and violated. Decrees Nos. 417/71 and 484/71 related to the child's rights establish all the legal procedures in this matter. However, according to the annual report of the Guinean League for Human Rights, there are cases of minors in prison who are kept with adult criminals. This means that the rules are not applied in practice.

245. The competent authorities responsible for the application of these procedures have done little or almost nothing in this matter, which means that the social and juridical policy of the Government is not giving special attention to this matter.

3. Prohibition of capital punishment and life imprisonment

246. The Constitution of Guinea-Bissau has abolished capital punishment. Life imprisonment is prohibited for children and young people.

4. Physical and psychological rehabilitation and social reinsertion

247. It is difficult to talk about physical and psychological rehabilitation and social reinsertion in the absence of specialized institutions and centres in this matter. This does not mean that they do not exist physically; on the contrary, we have already mentioned the Centre for Motor Rehabilitation located in Bra and the Centre for Mental Rehabilitation created to give specific preventive and curative care, rehabilitation and support to mental patients. In fact the Mental Rehabilitation Centre at Bra, according to 1993 data, is functioning at only 5 per cent of its capacities due to the economic situation of the country.

248. According to data of the National Health Development Plan, only 1.7 per cent of the general budget of MINSAP is allocated to this centre, of which 44 per cent are for personnel expenditures and 28 per cent for food. According to the same data, this centre has 3 doctors, 7 qualified nurses, 17 assistants and 5 high- and medium-level technicians. It also has 60 beds and, in 1995, offered 903 medical consultations, received 337 inmates and registered 3 deaths.

249. It is important to point out that, notwithstanding some difficulties, this centre is still visited by many patients, most of them drug addicts and their families. Furthermore, this centre has enjoyed some reputation in the subregion and receives patients from neighbouring countries.

C. Children in situations of economic exploitation

250. The situation of economic exploitation in Guinea-Bissau is becoming more and more serious, as a result of the increasing economic crisis which ravages the country. This fact, added to the absence of measures and/or mechanisms to resolve the problem, has led to prostitution and harmful practices. This problem becomes more serious among young people and children, due to the absence of specialized centres for physical and psychological rehabilitation of children and their social reinsertion.

1. Economic exploitation

251. In Guinea-Bissau, children are victims of economic exploitation and are subject to hard work, which is incompatible with their age and physical condition. However, the Government is unable to put a stop to this phenomenon through the application of administrative measures, due to the serious economic and social condition of the country. Law No. 2/86 (General Labour Law), which prohibits children under 14 from working, is not applicable to the current reality.

252. The great majority of children living in towns, mainly in Bissau, work in the non-formal sector. Some institutions, such as the Child's Labour project, ALTERNAG, Enda Guitec in Mansoa, AMIC and others, are taking some action for the reinsertion of children through different activities such as literacy, education for life, insertion and reinsertion in school, professional training, etc. These projects are carried out in partnership with NGOs, and cover a total of 370 children.

253. In recent years, prostitution among young people has reached alarming proportions in Guinea-Bissau, due to the economic and social situation of the country.

2. Drug abuse

254. Guinea-Bissau is living in recent years an agitated and alarming situation related to the use of drugs, especially among children. However, the Government is giving special attention to this problem and has established preventive measures through the Minister of Justice, which coordinates the Inter-Ministerial Committee for the Fight against Drugs, specifically created to combat and prevent the use of drugs. In this context, some actions, carried out through the Criminal Investigation Department, preventive actions, public order policy and the Immigration Department, have shown successful results. At the same time, the Government, through the Committee for the Fight against Harmful Practices under MASPF, is giving special attention to the sensitization of young people about the dangers of using drugs.

255. The Guinean legislation prohibits and condemns the use of drugs. This fact led the Government to create legislation to prevent and combat the use of drugs. A National Coordinating Commission was created for that purpose, whose objective is to propose strategies and the coordination of the political measures taken by the Government in all areas of activity. According to the decision of the Government, an Inter-ministerial Commission was created to give support to the performance of the Government. This Commission is chaired by the Prime Minister and includes the following:

- The Home Department;
- The Minister of Justice;
- The Minister of National Education;
- The Minister of Public Health;
- The Minister of Foreign Affairs;
- The Minister of Social Affairs and Women's Promotion;
- The Minister of Finance;
- The Minister of Social Infrastructure.

256. Coordination is ensured by the Minister of Justice through the General Direction of the Criminal Investigation Department.

3. Sexual Exploitation and Abuse

257. The Legislation of Guinea-Bissau criminalizes the violation of sexual freedom, and determines that:

(a) Nobody can have sexual relations with a woman or to oblige her to have sexual relations with third parties by means of threat or other coercive actions;

(b) Certain sexual practices are prohibited especially with minors, inexperienced persons, or people having any kind of mental disturbance or physical or psychological disability, either temporarily or permanent.

258. With regard to the child, the law determines that no one can have sexual relations with a woman aged more than 12 years and less than 16 years by taking advantage of her inexperience, or a temporary or permanent physical or psychological disability.

259. In fact, the legislation of Guinea-Bissau expressly forbids sexual exploitation and abuse. No one can promote and/or facilitate the practice of prostitution for lucrative purposes through the use of abandoned people or people in difficult financial situation. It is also forbidden to use violence, threats, or other coercive actions to remove victims to foreign countries.

260. However, the difficult social and economic situation of the country, in particular the absence and/or incapacity of the social institutions to provide services and the weakness of the constitutional legal framework, are the main reasons for the high level of these practices, especially among female children and minors, notwithstanding their interdiction by the law. The Government is worried about this problem and has taken some administrative actions through the Home Department, such as forbidding minors' access to discotheques and bars and requiring them to remain home after 22.00. This preventive measure became ineffective and is not applied in practice.

261. Some cases of sexual violation and abuse were identified, in particular among children. Most of these cases were submitted to the Regional Court of Bissau and have been decided according to the law. Among these cases we have the so-called "chupa-chupa", which was denounced by the civil society but it still remains without solution from the juridical authorities. The only information we have on these cases was provided by AMIC and some data collected in the 1997 Annual Report on the Situation of Human Rights in Guinea-Bissau, but these data do not give a global idea of the situation.

TABLE 7

Cases of sexual exploitation and abuse, by type, place, year, gender and age of the victim

Type	Place	Year	Gender	Age
Sexual violation	Catio	1997	Female	7 years
Sexual violation	Olossato	1997	Female	8 years
Sexual violation	Mansaba	1997	Female	9 years
Sexual violation Murder	Uracane	1997	Female	Non specified
Sexual violation	Gabu	1997	Female	24 years
Sexual violation	Tite	1997	Female	7 years

Source: Annual Report on the Situation of Human Rights in Guinea-Bissau.

262. Incest is also condemned as well as sexual violation and the Civil Code, in its section V, article 1867 and following articles, establishes that a child born of people prohibited from marrying for reasons of blood and affinity is considered a product of incest. It also establishes that the adoption of such children and their legal registration is only allowed in relation to one of the parents.

4. Sale and trafficking of children

263. In Guinea-Bissau, practices of selling, trafficking and kidnapping of children, from the legislative and constitutional points of view, are condemned and punished according to the relevant provisions of the Penal Code. Notwithstanding the identification of some isolated cases of kidnapping of newborns from the maternity hospital, there are no illustrative data on this matter.

5. Other forms of exploitation

264. In Guinea-Bissau no case was identified regarding child victims of other types of exploitation, apart from those referred to above.

D. Children belonging to a minority or indigenous group

265. Guinean legislation condemns any type of discrimination based on race, ethnic group, religious belief, gender, language and political opinions, among others.

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INSTITUTIONS WHICH GAVE SUPPORT TO THE PREPARATION OF THIS REPORT

1. UNICEF
2. Plan International
3. Radda Barnen
4. Guinean League of Human Rights
5. World Health Organization United Nations Development Programme
6. Former Ministry of Women's Promotion and Social Affairs
7. Ministry of Education
8. Ministry of Health
9. Ministry of National Resources and Industry
10. Ministry of Justice and Labour
11. AMIC
12. Information and Legal Orientation Centre
13. Association for Studies and Alternatives
14. Enda-Bissau
15. Child Worker Project
16. National Institute of Studies and Research
17. Guitec (Enda)

Notes

[1] The date given in the report "Guinea-Bissau and the Convention on the Rights of the Child" by Alexandre Furtado, a study commissioned by the National Commission for Childhood (CNI) and the Ministry of Social Affairs and Women's Promotion (MASPF) and financed by UNICEF and Radda Barnen, mistakenly gives the date as 18 April 1990.

[2] See Furtado, ibid.

[3] Ibid.

[4] Ibid.

[5] Ibid.

[6] Ibid.

[7] Ibid.

[8] Ibid.

[9] Ibid.

[10] Ibid.

[11] See 1997-2001 National Sanitary Development Plan, volume I, Guinea-Bissau. Ministry of Public Health; May 1997.

[12] Ibid.

[13] Ibid.

[14] Ibid.

[15] Ibid.

[16] Ibid.

[17] Ibid.

[18] Ibid.

[19] See Bill on the Creation of the National Council for Childhood.

[20] The composition and competence are established in the Bill for the Creation of the National Council for Childhood.

[21] Ibid.

[22] Additional information on this Committee can be obtained in the Bill for the Creation of the National Council for Childhood.

[23] Some legal services were created through AMIC whose basic objective is to translate in a fair manner legislation on various aspects related to childhood, and to disseminate information to the population in general in order to follow legal proceedings in the courts.

[24] The Government and AMIC have cooperated in the organization and execution of innumerable activities within the framework of their partnership. On this matter, see AMIC's progress report of January 1997. It is important to point out that this report refers only to the activities carried out by the Government.

[25] According to AMIC's 1997 progress report, it participated in innumerable activities carried out by other national NGOs. Unfortunately, the partnership with international NGOs and/or international organizations is only limited to requests for funds for the execution of projects.

[26] The Project "Child's Labour" was a joint initiative launched by AMIC, ALTERNAG and Radda Barnen. The objective of this project is to contribute to a broad sensitization of the society in general in matters related to the problem of children who are working and in difficult situations, as well as to promote actions aimed at improving the living conditions of these children and the regression of this phenomenon.

[27] This is a private law, humanitarian, civil institution that takes in orphans and abandoned children, and provides them with all the necessary conditions for their complete development.

[28] See Alexandre Furtado, "Guinea-Bissau and the Convention on the Rights of the Child".

[29] National Health Development Plan.

[30] See Alexandre Furtado "Guinea-Bissau and the Convention on the Rights of the Child".

[31] The carnival for children is organized during this festivity, which includes competitions of masks, dances and other activities.

ANNEX

Conclusions and recommendations of the workshop on the presentation of the report and the implementation of the Convention

This workshop, which was held in Bissau at the Ministry of Justice and Labour on 23 and 24 June 1999, within the framework of the programme of activities of the Ministry of Health and Social Affairs, gave special attention to the problem of child rights, which is assuming great importance in our society and becoming a matter of concern in recent years.

The opening ceremony of this seminar, which was chaired by Mr. Justino Amadou Fadia, Minister of Health and Social Affairs and President of the CNI, was attended by the following personalities:

- His Excellency Mr. Carlos Domingos Gomes, Minister of Justice and Labour;
- His Excellency Mr. Galdé Baldé, Minister of Education, Youth, Culture and Sports;
- Mr. Inusse Noormahomed, WHO representative;
- Mr. Herman Jaramillo, UNICEF representative;
- Ms. Antonia Mendes Teixeira, Director General of Social Affairs.

After the speeches of welcome, there were many interventions from representatives of international organizations such as UNICEF, WHO and UNDP. Finally, the Minister of Health and Social Affairs, in his capacity as President of the CNI, made an appeal to all participants to give special attention to the analysis and discussion of the report, since children's problems are of concern to all people: family, civil society and Government. He concluded his speech by announcing the opening of the debate and discussion of the report on "the implementation of the Convention on the Rights of the Child".

After the interval, the work pursued with the presentation of the report by the consultant, according to the programme of the seminar.

Each chapter of the report was deeply analysed and the following conclusions and recommendations were adopted by the workshop.

Conclusions

During the opening ceremony and the presentation of the report, it was noted that the violation of children's rights still prevails throughout the country. The participants, after a deep analysis, admitted that:

(a) The Convention on the Rights of the Child is not being adequately implemented, due to the lack of dissemination, sensitization and commitment from the competent authorities;

(b) Some efforts were made by the Government, the People's National Assembly and the courts to improve the means for the protection of child rights, but these efforts failed to meet the expectations;

(c) The actions carried out by some national and foreign NGOs (AMIC, CIOJ, ANDES, LGDH, Radda Barnen and Plan International) have given encouraging results in the defence and protection of child rights;

(d) Children's problems are a matter for all people: the family, civil society and the State;

(e) There is a high level of infant mortality and illiteracy;

(f) The people need to have access to information related to child rights enshrined in common law and in the Constitution of the Republic of Guinea-Bissau;

(g) There are no adequate juridical mechanisms to defend and protect child rights, namely minors' court, labour courts and prisons for minors, and the civil code, penal code and labour legislation require revision;

(h) The colonial laws, namely decree No. 417/71 which approved the statute for jurisdictional assistance to overseas minors and decree No. 484/71 which approved the rules of jurisdictional assistance to minors, are not applied, notwithstanding the existence of law 1/73 of 24 September;

(i) The NGOs which deal with matters related to the child are facing financial and technical needs, which could hinder the dissemination and implementation of the Convention on the Rights of the Child;

(j) There are cases of abandonment, mistreatment and sexual violation of children, and those responsible for these crimes are not punished;

(k) There is lack of means and infrastructure for the normal functioning of AMIC, which represents a serious constraint;

(l) There are many children working in the formal and non-formal sectors, which impedes their normal psychological and cultural development;

(m) The general labour laws do not cover children who are working in the non-formal sector;

(n) The age of consent for marriage defined in the Civil Code for girls and boys, at age 14 and 16 years, respectively, according to the physical and intellectual structure of our children and according to our reality, needs to be revised;

(o) There are no specialized centres for disabled people and adequate mechanisms for their effective insertion;

(p) The absence of a civil registration service within the health infrastructure and the fines applied to cases of registration after the period established by the law cause problems for hundreds of children who are not yet registered;

(q) Abandoned children, orphans and disabled children are not receiving special attention and care from their family (parents), society and Government;

(r) The laws are not sufficiently disseminated by the competent authorities;

(s) The CNI is facing financial constraints in the implementation of its plan of action with respect to sensitization, dissemination and follow-up of the implementation of the Convention on the Rights of the Child.

It is important to point out that this workshop was held with the important support of UNICEF, as well as of Radda Barnen, without which it would have been impossible.

Recommendations

In the light of the discussions and conclusions of the workshop, the participants made the following recommendations:

A

1. To make an appeal to the Government and the competent authorities to create the necessary and appropriate conditions for the implementation of the Convention on the Rights of the Child and the laws of the Republic on this matter by the government institutions and the civil society.

2. To make an appeal to the Government, in particular to the Ministry of Education, Youth, Culture and Sports, to introduce children's rights and other matters related to children in school curricula and educational programmes.

3. To make an appeal to the civil society, in particular to political parties, to include child rights in their programmes of activity, with a view to ensuring their defence, protection and promotion.

4. To make an appeal to the Government to adopt measures to establish legal mechanisms to facilitate the implementation of the Convention on the Rights of the Child namely:

(a) The creation of a court for minors;

(b) The creation of a labour court;

(c) The creation of prisons and centres for the rehabilitation of minors;

(d) Revision of the existing legislation (civil code, penal code, general labour legislation, among others);

(e) Greater responsibility of the father for his minor children.

5. To make an appeal to the Government in order that the necessary conditions may be created to facilitate:

(a) The training of social assistants;

(b) The recruitment and the assignment of psychologists in the administrative institutions, courts and prisons.

6. To make an appeal to the Government, through the Ministry of Justice and Labour, to consider the possibility of abolishing fines for the civil registration of minors after the expiry of the legal period, because this practice does not encourage the registration of minors (children).

7. To raise the age for marriage to 18 years, in accordance with the physical, mental and intellectual condition of individuals.

8. To make an appeal to the competent authorities to create centres for support and rehabilitation of disabled people and mechanisms for their effective insertion into society.

9. To make an appeal to the competent authorities to reserve seats for disabled people in public and private buses, as well as for pregnant women and women carrying children.

10. To make an appeal to the Government, society and organizations to give support and care to abandoned children and orphans.

11. To make an appeal to the competent authorities in the area of dissemination of laws, in order to ensure that they are widely known and applied.

12. To make an appeal to the Government to allocate funds for the functioning of the CNI.

13. To make an appeal to the Government to create the necessary conditions so that AMIC can enjoy the resources and equipment necessary for its functioning.

14. The revision of the General Labour Law, in force since 1986, in order to adapt it to the new economic and social reality and the prohibition on child labour.

B

15. To require the competent authorities, to provide for the criminal punishment of persons who mistreat, sexually abuse or cause physical injury to minors, commit infanticide, etc.

16. To encourage and support national and international NGOs and other associations and public and private bodies which work in areas related to children.

We take this opportunity to thank UNICEF for its helpful collaboration, especially its representative.

The closing ceremony was chaired by Mr. Carlos Domingos Gomes, Minister of Justice and Labour, and was attended by Dr. Justino Amadou Fadia, Minister of Health and Social Affairs, Mr. Carlos da Silva, Minister of Social Equipment and Mr. Galdé Baldé, Minister of Education, Youth, Culture and Sports.